

**Draft Meeting Notes Waste Site Remediation Permit Streamlining Task Force  
July 26, 2001**

Meeting Attendees: Rich Hittinger, John Hartley, Kendra Beaver, Sheila Brush, Jane Sherman, Sue Courtemanche, Dave Hazebrouck, DEM attendees – Jan Reitsma, Terry Gray, Leo Hellested, Gary Waldeck, Kelly Owens, Paul Kulpa and Tom Getz

The June meeting notes were distributed and people were asked to review them and pass their comments to Tom Getz.

**Arsenic Policy**

Leo Hellested began the meeting with a very brief description of the latest revision of the Arsenic policy. He mentioned that the site remediation standard was raised to 7 PPM but the residential standard remained the same. When site conditions demonstrate arsenic concentrations to be between 1.7 PPM and 7 PPM, the policy allows the performing party to propose an ELUR restricting the use of the site to Industrial/Commercial activity as the preferred remedial alternative, in lieu of conducting a background study. He further mentioned that there would be some revisions to clarify this policy. This work will be finished in the next two weeks and will be distributed to the Task Force for a final review. DEM will then make necessary modifications to the regulations to ensure the policy will be legally enforceable. The Director wanted these changes to be made in a timely manner.

A question was raised concerning the definition of Environmental Professional. This term is used in the policy, but was not defined. It was explained that this issue was discussed in the working group and the term is looked at as a generic term as someone who is responsible for the submission to DEM.

There was no further substantive discussion and the parties agreed that there was agreement on the direction of the policy and they would await DEM's final revisions. The existing policy will remain in effect until regulatory changes are finalized.

**Marginal Risk Policy**

Leo Hellested quickly reviewed the major elements of the Marginal Risk Policy. This policy was written because there are a lot of submissions that may not be particularly complex and do not pose a significant risk to human health and the environment. For the most part, application of the policy will resolve many issues concerning the "urban fill" problem. It was mentioned that the policy could be used in GA/GAA areas if the party wanted to completely remove the source of contamination. The policy outlines the information that is needed to process the application and the prescriptive remedies that could be used to remediate the site. If the submission meets all the criteria needed for review, DEM will make a decision and if appropriate, issue a Remedial Approval Letter within forty-two calendar days.

There was considerable discussion on the notice provision of the policy. It was agreed Section C of the policy will be revised to clarify the notice requirements. Discussion points include the following:

- The requirements of abutter notice needs to be defined in the policy and in the regulations. The policy or the regulations should clearly indicate that people should work with DEM to develop an appropriate abutter notice plan. Projects may require a site-specific approach. Appropriate Watershed councils and members of municipal governments need to be notified of submissions.
- If the submission does not deal with a new release, allow the notice to abutters to be distributed at the time the submission is forwarded to DEM. There may be a possibility that DEM may not agree that the submission is a Marginal Risk Site, but there will be no delay in the process if DEM does agree the submission fits into the policy.
- Based on past experience of the consulting community, it was thought that there would be little comments regarding the sites that fit into a marginal risk site policy.
- The forty-two day review timeline does not include the settlement agreement. DEM needs to be clear that additional time will be needed to work on this document. The review of this document will move quicker if the draft Settlement Agreement is utilized.

There was a number of wording comments offered. One particular revision is the need to remove the last bullet on page two from the list. DEM is not requiring the public notice to abutters to be distributed as a condition of the submission being determined to be complete.

The Director indicated that he wanted to review the use of the Arsenic and Marginal Risk Policy in a year to determine if they are working. This time period was thought to be appropriate considering the lead-time needed to get a project ready for DEM submission.

### **“How do I Hire an Environmental Consultant?”**

This document was prepared in response to a recommendation from the Brownfields Working Group. Since the Task Force had a number of consultants advising DEM, their input was requested on the document. Some suggestions on the document included:

- Have the consultants estimate the cost of each step in the process.
- When conducting a reference check, be sure to ask if the consultant was close to meeting the estimated cost. Inquire about the number of iterations needed to get the appropriate approvals.
- Emphasize the need to scope the project properly. This will help to cost out the project.
- It was suggested that the information should not focus on the steps of the process but rather on the cost to get a DEM approval. This approach was questioned because it is difficult to estimate the cost of a project until you can understand the extent of the problem. This approach may work for a preliminary assessment, but not for other phases of the investigation. Remediation of a site may often find problems that were not known and this will have budgetary impacts.

- Terry Gray mentioned that the Kyran system, when fully implemented, would track submissions and a person may be able to track the review of projects between DEM and the consultants. This information may be helpful when someone is deciding on hiring a consultant.
- We should add some language to the opening statement that indicates the process is site specific.
- We should add some language indicating that a low bid may not always be the cheapest way to investigate an environmental problem.
- The existing document focuses on the remediation phase of the project. Broaden the language to include other parts of the process.
- Suggest that people hire a consultant early in their project. It is difficult to play catch up when deadlines can not be realistically met.

There was a general discussion on whether DEM should be producing a document like this. It was suggested that Rhode Island Society of Environmental Professionals (RISEP) should prepare this kind of information. Since RISEP does not yet have a web presence, DEM will produce this document now because we are filling a needed void. In the event RISEP does produce a document similar to this one, DEM could consider linking to the site in the future.

Sally Spadaro briefed the group on her progress with working with the Economic Development Corporation in setting up a Brownfields Website. The pilot site is located at: [www.athena.state.ri.us/sallys](http://www.athena.state.ri.us/sallys) We will be running the site in a shakedown mode for about a month and requested that people forward Sally Spadaro comments concerning the site. It is anticipated that this site will be running by September 1, 2002.

Rich Hittinger briefed the group concerning training activities. He indicated that RISEP is interested in working with DEM on some a joint training program that would go over program basics, success stories, specific policies, such as the Arsenic and Marginal Risk Policy and ways to improve application quality. Rich will forward a specific training proposal to Tom Getz in the near future.

Terry Gray mentioned that he would like to continue meeting with the group after the Waste Site Remediation Permit Streamlining Task Force process was completed. He thought there might be value with having staff and consultants who work in this area to meet on a regular basis to bring the two groups closer together. This could help resolve some of the concerns raised earlier that the regulators are too conservative with their reviews because there is not a comfort level between the staff and the regulated community. Another possibility was raised that this group could feed agenda topics to the Business Roundtable.

Tom Getz indicated that this is that last working meeting of the Task Force. He will now begin to finalize a report of the Task Force and will aim to finish the report in draft by the third week in September. The report will be sent to Task Force members a week ahead of the September 27th meeting. The purpose of the September meeting will be to review the recommendations of the Task Force.